

NEWS RELEASE



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SOUTHERN DISTRICT OF CALIFORNIA
San Diego, California***

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For Immediate Release

NEWS RELEASE SUMMARY - May 30, 2007

United States Attorney Karen P. Hewitt announced that Jose Adolfo Gonzalez-Fabian was sentenced in U.S. District Court in San Diego by United States District Judge John S. Rhoades to serve forty-one and one-half months in custody, followed by three years of supervised release, based on Gonzalez-Fabian's convictions for bringing illegal aliens into the United States for financial gain and for transporting illegal aliens.

According to court documents, Gonzalez-Fabian pled guilty on March 16, 2007, to three counts of the indictment charging him with smuggling into the United States and transporting undocumented Mexican nationals, which resulted in the death of Oscar Abraham Garcia. Gonzalez-Fabian admitted that he aided and abetted the smuggling of several aliens from Mexico into the United States, on May 18, 2006, and helped transport those Mexican nationals, none of whom had papers to allow them to enter the U.S. legally, from a location several miles east of the Otay Mesa Port of Entry to their ultimate destinations within the United States. During the commission of these offenses, the driver of the vehicle, Oscar Abraham Garcia, was fatally

shot by federal agents who had reason to believe that Mr. Abraham Garcia was going to run them over with the vehicle.

According to the court records, at approximately 7:00 a.m., on May 18, 2006, four undocumented Mexican nationals illegally crossed over the fence on the international border between Mexico and the U.S. Smugglers had instructed the four men that once they had entered the U.S., they were to walk to a specific location several miles east of the Otay Mesa Port of Entry in San Diego County. At approximately 2:45 p.m. that afternoon, Gonzalez-Fabian and Oscar Abraham Garcia arrived at the location where the four men were waiting to be picked up. As the four men entered the vehicle, Gonzalez-Fabian, the front seat passenger, instructed them to get down on the floor between the second and third row of seats in order to avoid possible detection by U.S. immigration agents. The vehicle then traveled west toward Highway 805.

After realizing that they had been spotted and were being followed by Border Patrol agents, the driver, Abraham Garcia, attempted to elude the agents. At a high rate of speed, he continued west to Interstate 5, which he entered and turned south, hoping to be able to escape through the San Ysidro Port of Entry back into Mexico. As the vehicle reached the Port of Entry, it encountered heavy commuter traffic. Federal agents approached the vehicle when it stopped in traffic, a short distance from the international border. After refusing to obey the agents' commands to turn off and exit the vehicle, the driver accelerated in the direction of the agents and was fatally shot. The rest of the men in the Durango, including Gonzalez-Fabian, then opened the doors and fled the vehicle.

DEFENDANT

Case No. 06cr1264-R

Jose Adolfo Gonzalez-Fabian

SUMMARY OF CHARGES

2 Counts	Title 8, United States Code, Sections 1324(a)(1)(A)(I), (v)(II) and (a)(1)(B)(iv), and Title 18, United States Code, Section 2 (Bringing in Illegal Aliens for Financial Gain and Aiding and Abetting)
1 Count	Title 8, United States Code, Sections 1324 (a)(1)(A)(ii), (v)(ii) and (a)(1)(B)(iv), and Title 18, United States Code, Section 2 (Transporting Illegal Aliens Within the U.S., resulting in death and Aiding and Abetting)

SUMMARY OF SENTENCE

Sentence imposed on each count: 41-1/2 months in custody, followed by 3 years of supervised release; and a \$100 penalty assessment imposed on each count. All three custodial sentences and periods of supervised release are to run concurrently with each other.

AGENCIES

Department of Homeland Security, Customs & Border Protection
United States Border Patrol